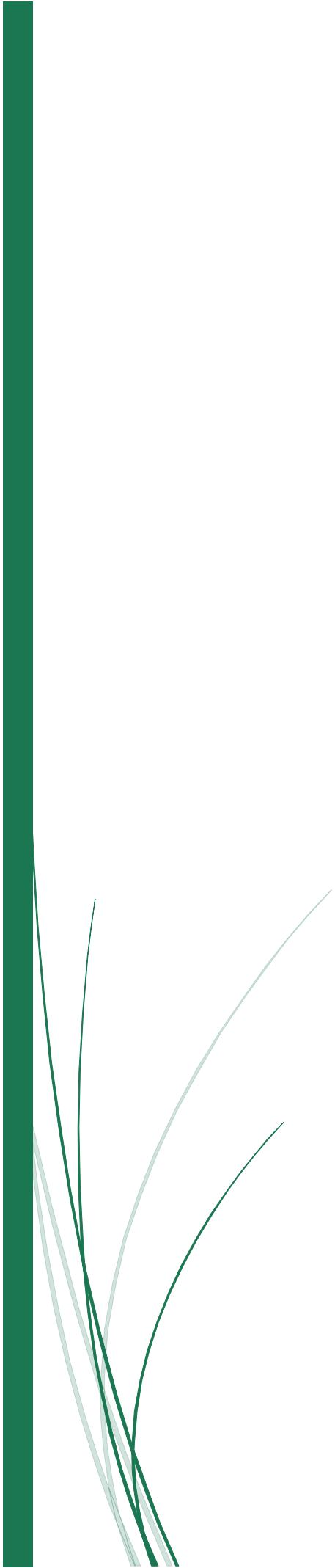




Sunnyside Road, Sandgate, Folkestone

Ecological Assessment

A Report for Hollaway Studio

November 2023



**Greenspace
Ecological
Solutions**

www.greenspace-ecology.co.uk

info@greenspace-ecology.co.uk

Sunnyside Road, Sandgate, Folkestone, Kent CT20 3TA

Ecological Assessment (Confidential)

Client:	Holloway Studio		
Project Ref:	Sunnyside, Folkestone		
Report Ref:	J20613_P6		
Author:		Technical Review:	
Jenny Passmore BSc (Hons) MSc MCIEEM, Principal Ecologist Zoe Clarke BSc (Hons), Assistant Ecologist Ashley Walker BSc (Hons), Assistant Ecologist QCIEEM		Lorna Roberts BSc (Hons) MSc ACIEEM, Principal Ecologist Guy Newman BSc (Hons) MCIEEM Director	
Revision Ref:	Status/ Comment:	Date of Issue:	
-	Issued in Draft for Client	21 st November 2023	
Disclosure:			
Greenspace Ecological Solutions Ltd has prepared this report for the sole use of the commissioning client. The information has been prepared and provided in accordance with the CIEEM’s Code of Professional Conduct but does not constitute legal advice. This report may not be relied upon by any other party except the person, company, agent or any third party for whom the report is intended without the prior written permission of Greenspace Ecological Solutions Ltd. Information obtained from any third party has not been independently verified unless otherwise stated in the report. This report is the copyright of Greenspace Ecological Solutions Ltd. Unauthorised reproduction or usage by any person is prohibited. It should be noted that whilst every effort has been made to meet the client’s requirements, no site survey can ensure a complete assessment or prediction of the changeable onsite environment. <u>Should more than 12 months elapse between the date of this survey and any subsequent development, it may be necessary to consider the need for an update survey to be undertaken.</u>			

CONTENTS

1	PROJECT OVERVIEW	1
2	NON-TECHNICAL SUMMARY	2
3	INTRODUCTION	4
3.1	Context	4
3.2	Site Location	4
3.3	Site Description	5
3.4	Legislation and Planning Policy	5
3.5	Objectives of the Survey	5
4	SURVEY METHODS	6
4.1	Desk Study	6
4.2	Habitats	6
4.3	Protected and Notable Species	7
4.4	Constraints	10
5	SURVEY RESULTS	11
5.1	Desk Study	11
5.2	Habitats	14
5.3	Protected Species	16
6	CONCLUSIONS AND RECOMMENDATIONS	20
6.1	Designated Areas	20
6.2	Ancient Woodland	20
6.3	Habitats and Botanical Species of Interest	20
6.4	Protected and Notable Species	20
7	ECOLOGICAL ENHANCEMENTS	27
8	REFERENCES	28

FIGURES

- Figure 1 Phase 1 Habitat Plan
Figure 2 Tree Protection Measures
Figure 3 Mammal Hole Badger Survey

APPENDICES

- Appendix A Legislation and Planning Policy
Appendix B Site Photographs
Appendix C Species List per Habitat type

1 PROJECT OVERVIEW

Client:	Hollaway Studio
Site Address:	Sunnyside Road, Sandgate, Folkestone, Kent, CT20 3TA
Attending Ecologists:	Jenny Passmore BSc (Hons) MSc MCIEEM Principal Ecologist (NE Bat Licence Level 2, GCN Licence Level 2)
Survey Date:	PEA: 26 th September 2023 Badger Survey: 16 th October 2023 to 14 th November 2023
Site Proposals:	Demolition of existing property to facilitate the construction of new dwellings
Associated Planning Reference Number:	Not yet submitted.

Source of Relevant Documents:

Document:	Source:
Site Location Plan:	Google Earth Pro
Desk Study:	Magic.gov.uk
Proposed Development:	Proposed Roof Plan Site Plan & Landscape Plan Hollaway. 07.08.2020. Project No. 18.070 Drawing No. 5

2 NON-TECHNICAL SUMMARY

- 2.1 In response to the proposed development at Sunnyside Road, Sandgate, the Site has been subject to an ecological assessment comprising a preliminary ecological appraisal (PEA) and further surveys to monitor for badger activity.
- 2.2 The small localised scale of the development and the intervening habitats result in no detrimental impact upon designated sites, ancient woodland or BAP priority habitats.
- 2.3 Retained trees require protection in accordance with BS 5837:2012.
- 2.4 Montbretia *Crocasmia × crocosmiiflora* and cotoneaster *Cotoneaster* sp. are present on Site. Montbretia and five species of cotoneaster are listed under Schedule 9 of the Wildlife and Countryside Act 1981 which makes it an offence to plant or otherwise allow this species to grow in the wild therefore appropriate disposal of these species is recommended.
- 2.5 A mammal hole of suitable size and shape for use by badger was identified within the Site. However, monitoring surveys concluded that the mammal holes were not in use at the time of the survey and measures to deter badgers from, and ensure the welfare of badgers is maintained within the Site, have been provided.
- 2.6 Trees T5, T24, T28, T29 and T36 support features suitable for use by bats. Although no evidence of bats was recorded at the time of the survey, as a precautionary measure it is recommended that T5, T24, T28 and T29 are subject to further elevated inspections immediately prior to the start of work. If T36 is due to be removed, an endoscope survey is required.
- 2.7 The trees, scrub and bird boxes within the Site are suitable to support nesting birds and recommendations in regard to timings and methods of best practice have been provided.
- 2.8 Parts of the Site are overgrown and subject to high level of shading. However, as a precautionary measure, phased habitat manipulation to displace reptiles should they be present, has been recommended.
- 2.9 The likelihood of other protected and notable species to occur within the Site is considered negligible and no further surveys for other protected species are required.

- 2.10 Should at any point during the development a protected or notable species be identified within the Site then all works should stop and the appointed ecologist consulted on the appropriate manner in which to proceed.
- 2.11 In accordance with the requirement of the NPPF, recommendations to enhance the Site's suitability for wildlife have been provided.

3 INTRODUCTION

3.1 Context

3.1.1 In response to the proposed development of land at Sunnyside Road, Sandgate, henceforth referred to as 'the Site', an ecological assessment (EA) has been undertaken of the land within the redline boundary (Figure 1). This EA comprises a preliminary ecological appraisal (PEA) and mammal hole monitoring for badger. The proposed plans are understood to involve the demolition of the current building and associated garden to facilitate the construction of 4 new dwellings within the Site.

3.1.2 This EA presents the findings of the desk study, Extended Phase 1 Habitat Survey and Phase 2 protected species surveys and includes recommendations for avoidance and mitigation of ecological impacts and opportunities to provide biodiversity enhancements, in line with the National Planning Policy Framework (NPPF) 2023. Photographs of the Site are presented in Appendix B. Ecological features of interest are depicted in Figure 1.

3.2 Site Location

3.2.1 The Site is located within village of Sandgate, Folkestone, Kent, at National Grid Reference TR 19473 35149. The geographical location of the Site is depicted in Image 1.

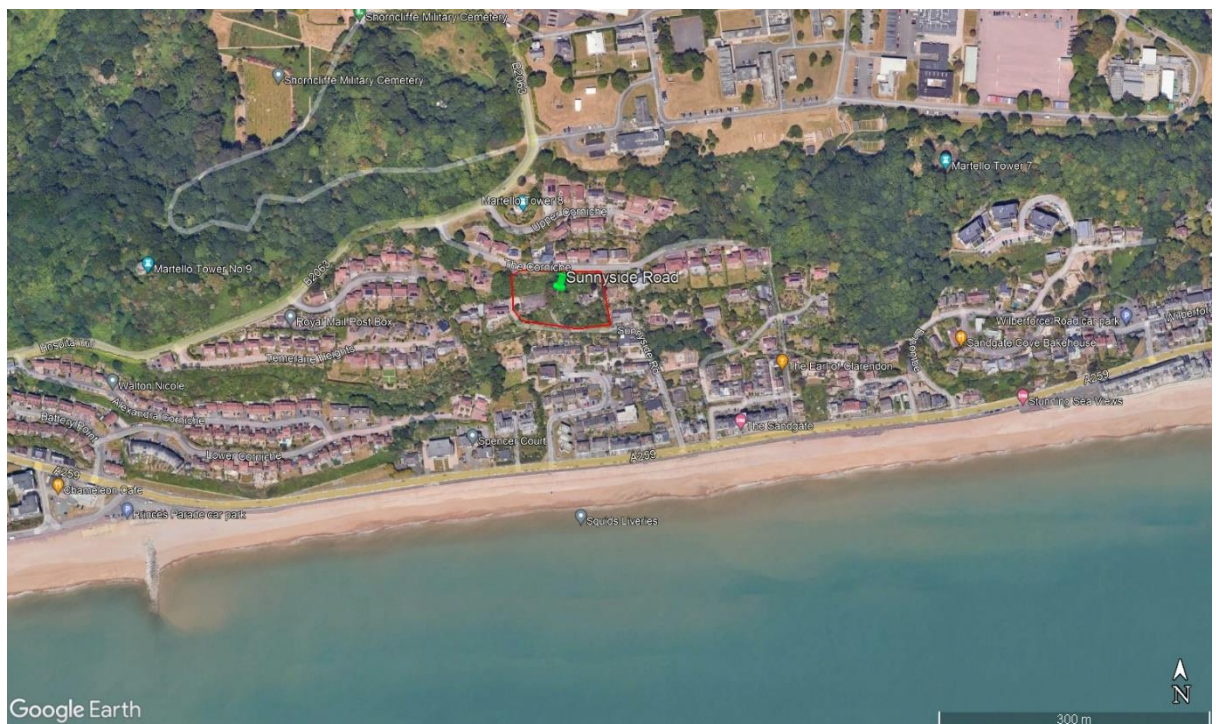


Image 1 – Geographical Location of Land at Sunnyside Road

3.3 Site Description

- 3.3.1 The Site occupies approximately 0.5ha and comprises of a residential building, which has been damaged by fire and associated grounds, including a garden, a watercourse and a tennis court.
- 3.3.2 The Site is bounded by Corniche Road to the north; residential dwellings to the east and west; and Sunnyside Road to the south. The wider landscape is predominantly residential properties with associated gardens and areas of coastal scrub with scattered trees. The English Channel lies approximately 175m south of the Site.

3.4 Legislation and Planning Policy

- 3.4.1 Relevant legislation and policies that apply to ecological issues within England and Wales are:

- [The Conservation of Habitats and Species Regulations 2017 \(as amended\)](#)
- [The Environment Act 2021](#)
- [The Wildlife and Countryside Act 1981 \(as amended\)](#)
- [The Countryside Rights of Way Act 2000](#)
- [The Natural Environment and Rural Communities \(NERC\) Act 2006](#)
- [The Hedgerows Regulations 1997](#)
- [The Protection of Badgers Act 1992](#)
- [The Wild Mammal \(Protection\) Act 1996](#)
- [The National Planning Policy Framework \(NPPF\) 2021](#)
- [Government Circular 06/05](#)
- [Folkestone and Hythe Places and Policies Local Plan \(2020\)](#)

- 3.4.2 The above summary serves as guidance only. Further information is presented in Appendix A.

3.5 Objectives of the Survey

- 3.5.1 The objectives of the survey were to:

- Classify the main habitats present within the Site;
- Evaluate the ecological importance of these habitats;
- Assess buildings and trees for their suitability to support roosting bats;
- Determine the presence/likely absence of badgers, and where appropriate determine the status of badger setts within the Site.
- Evaluate the suitability for other protected species to occur within the Site

- Provide appropriate recommendations for further surveys and mitigation where required.

4 SURVEY METHODS

4.1 Desk Study

4.1.1 A desk study was undertaken in October 2023 to determine the presence of sites and habitats of conservation importance, along with existing records of protected and notable species of relevance to the Site.

4.1.2 The following bodies were consulted for the desk study:

- Google Earth Pro for aerial imagery.
- Magic Map (Magic.defra.gov.org) for statutory designated sites.
- Kent and Medway Biological Record Centre (KMBRC) for existing records of protected and notable species.
- OS mapping for ponds within 250m of the Site.

4.1.3 The desk study involved obtaining the following information:

- International statutory designated sites within 5km.
- National statutory designated sites within 2km.
- Non-statutory designated sites within 1km.
- Protected and notable species within 2km.
- Bat records within 5km.
- Ancient woodland parcels within 30m.
- Habitats of Principal Importance (NERC Act 2006) within or adjacent to the Site.

4.1.4 These search areas are considered sufficient to cover the potential zone of influence of the proposed development.

4.2 Habitats

Phase 1 Habitat Survey

4.2.1 The Site was surveyed using the methods outlined in '[The Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit](#)' (JNCC, 2016). The techniques applied during the survey involve identifying the main plant communities present on the Site and classifying the habitat types following the JNCC methodology. This technique provides an inventory of the

basic habitat types present and enables areas of greater botanical interest which may require further, more detailed, surveys to be identified.

Invasive Non-Native Species

- 4.2.2 Any occurrences of recognised invasive species as listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were also noted.
- 4.2.3 A map of the habitats and areas of interest (using a variation of the JNCC (2016) protocol for Phase 1 Habitat plans) is provided in Figure 1. Photographs of features of interest are presented in Appendix B, with a full species list provided in Appendix C.
- 4.2.4 The survey was undertaken by Principal Ecologist Jenny Passmore MCIEEM on 26th September 2023.

4.3 Protected and Notable Species

- 4.3.1 The survey was 'extended' to consider the suitability of the Site to support protected and notable species. Species considered included those identified during the desk study, or those considered appropriate by the surveyor during the survey. Detailed surveys were not completed for these species. However, based on an understanding of species ecology, consideration was given to the Site's suitability to provide sheltering or foraging habitat and/or connectivity from other areas of potentially suitable habitat to allow dispersal between populations. Core species considered during the survey are outlined below.

Badger

- 4.3.2 Evidence of badger *Meles meles* activity within the Site was assessed by searching for signs such as:
- Presence of setts, indicated by suitably sized holes or burrows.
 - Evidence of badger latrines, badger hair and/or footprints.
 - Evidence of well-used runs supported by secondary evidence such as foraging signs.

Badger Camera Trap Monitoring

- 4.3.3 One mammal hole of a size suitable to support badger was identified within the Site during the PEA. Further surveys to determine the status of the hole was undertaken. These entailed deploying an infra-red motion-activated camera (model: ZIMOCE H6PLUS) with both video and photographic capability to monitor the entrance. The camera was deployed for a period of 29 nights from 16th October 2023 to 14th November 2023 to determine its status and

whether it is in current use by badger (or any other mammal). In addition to the cameras, suitably sized sticks with tape to capture any animal hairs were purposely set diagonally across each of the mammal holes in order to ascertain whether any animal pushed them aside to enter/exit the hole during the monitoring period.

Bats

Preliminary Roost Assessment - Buildings

- 4.3.4 An external inspection was undertaken the building present within the Site, with the use of high-powered torch and binoculars (where required). Any suitability roosting or access points for bats such as raised fascia boards, missing/lifted tiles, cracks or crevices in brick/blockwork and gaps in soffit boxes were recorded and searched for evidence of use by bats (staining, droppings, scratch marks, or the bats themselves). The results of the scoping survey enabled the buildings to be categorised as having 'Confirmed roosts'; or 'High', 'Moderate', 'Low' or 'Negligible' suitability to support roosting bats.

Preliminary Roost Assessment - Trees

- 4.3.5 Trees within the Site, which were deemed likely to be affected by the proposed development, were subject to a ground-level roost assessment in accordance with current best practice guidance (Collins, 2023). Trees were inspected for suitable roosting features (PRFs) such as splits, fissures, cavities, delaminated bark, heavy ivy *Hedera* sp. cover and woodpecker holes. Evidence such as droppings, staining and bats themselves were searched for below and in suitable features, with the use of high-powered torch, telephoto lens camera and binoculars (where necessary). The quality and quantity of PRFs identified were used to categorise each tree as having 'Confirmed roosts'; or 'High', 'Moderate', 'Low' or 'Negligible' suitability to support roosting bats.

Birds

- 4.3.6 The habitats within the Site were assessed for their suitability to support nesting birds. Factors considered include suitable cover and feeding habitat. Evidence was searched for in the form of any active or disused birds' nests.

Dormouse

- 4.3.7 The Site was surveyed for suitable hazel dormouse *Muscardinus avellanarius* habitat, such as the presence of well-connected broadleaved woodland, hedgerows, mature scrub and suitable food sources such as oak *Quercus* sp., hazel *Corylus avellana* and other nut-bearing trees, fruiting trees and shrubs and flowers.

Great Crested Newts (GCN)

- 4.3.8 Any suitable terrestrial habitat for great crested newts (GCN) *Triturus cristatus* including long grass, tall ruderal, woodland and hedgerow borders, as well as wood and rubble piles that act as sheltering places, was recorded.

Habitat Suitability Index (HSI)

- 4.3.9 Where access was available, an assessment of the suitability of each waterbody within 250m of the Site to support GCN was undertaken using a simplified version of the HSI assessment methodology developed by Oldham *et al.* (2000) (ARG, 2010). The HSI incorporates ten suitability indices, all of which are factors considered to affect GCN:

- Location (in Britain)
- Pond area
- Desiccation rate (years out of ten that pond dries)
- Water quality (subjective assessment)
- Percentage of pond shade
- Presence of waterfowl
- Fish population (subjective assessment)
- Number of ponds within 1km
- Terrestrial habitat quality
- Percentage macrophyte cover

- 4.3.10 The results of the HSI provide a numerical index of between 0 and 1, whereby 0 indicates unsuitable habitat and 1 represents optimal habitat. The details of the HSI scoring criteria are provided in Table 1.

Table 1 – HSI Scoring Criteria

HSI Score	Pond Suitability for GCN
<0.50	Poor
0.50 – 0.59	Below Average
0.60 – 0.69	Average
0.70 – 0.79	Good
>0.80	Excellent

Reptiles

- 4.3.11 Suitable habitat for reptiles was recorded including long grass, vegetated boundaries, woodland and hedgerow borders, as well as wood and rubble piles that provide sheltering opportunities.
- 4.3.12 Suitable habitat was recorded for other species, including priority species such as hedgehog.

4.4 Constraints

- 4.4.1 The northern bank of the Site was inaccessible to survey due to the steep topography and scrub vegetation. This area is being retained and enhanced with new planting and creation of a stepped emergency access. Due to restricted access, any habitat work in this area requires a precautionary phased approach.
- 4.4.2 The former house B1 was fenced off and access inside was not permitted for health and safety reasons. The building was subject to an external inspection only however there are no internal features due to the fire damage therefore this was not considered to be a significant constraint.
- 4.4.3 Any measurements or indications of area provided within this report are estimates and are provided as a guide only.
- 4.4.4 It should be noted that the absence of a species from biological records cannot be taken to represent actual absence. Species distribution patterns should be interpreted with caution as they may reflect survey/reporting effort rather than actual distribution.

5 SURVEY RESULTS

5.1 Desk Study

Designated sites

- 5.1.1 There are no internationally designated sites within 5km of the site. Nationally designated sites and non-statutory designated sites identified within the potential zone of influence of the proposed development are presented in Table 2 below.

Table 2 – Designated sites within 2km of the Site

Site Name	Description	Distance and orientation from Site
Statutory Designated Sites		
Nationally Designated Sites (SSSI, NNR, LNR) – 2km		
Seabrook Stream SSSI	<i>The interest of this site centres on the alder carr and fen communities that support an exceptional number of crane fly species. The whole of the Seabrook valley supports an exceptional number of crane fly species, 67 having been recorded to date from this site alone. This total includes four nationally scarce species. 14 other invertebrate species found on the Site are nationally scarce. Breeding bird species present are known to include reed and sedges warblers, grey wagtail and sand martin. On a national scale sand martins have undergone major population changes in recent years and the quarry in the west of the Site contains one of the few significant colonies known in Kent.</i>	1.45km NW
Non-statutory Designated Sites – 1km		
SH26 Royal Military Canal	<i>28 miles along the old cliff line that borders the Romney Marsh from Seabrook to Cliff End. The canal is also host for some of the special wildlife of the Romney Marsh, kingfishers can be regularly seen and during the summer months, dragonflies and marsh frogs are present.</i>	0.64km SWW
Hythe Bay rMCZ	<i>The Site is predominantly characterised as A5.3 Subtidal mud.</i>	0.7km S
SH27 Paraker Wood and Seabrook Stream, Shornccliffe	<i>Paraker Wood rises up from the coast as part of the Seabrook Valley. The woods are an excellent habitat for birdlife, nightingales, green woodpeckers, nuthatches and warblers are common here.</i>	0.89 km NW

SSSI Impact Risk Zones

- 5.1.2 The Site falls within the Impact Risk Zone of two SSSIs, as presented in Table 3 below.

Table 3 – SSSI Impact Risk Zones

Site Name	Impact Advice (excerpt from Magic Map)	Distance of the SSSI
-----------	--	----------------------

Seabrook Stream - SSSI Impact Risk Zones	Due to the distance from the SSSI, residential planning applications are exempt from further consideration of their impacts on the designated site.	1.45km NW
Folkestone to Etchinghill Escarpment – SSSI Impact Risk Zone	Due to the distance from the SSSI, residential planning applications are exempt from further consideration of their impacts on the designated site.	3km NE

Ancient Woodland

- 5.1.3 There are two areas of ancient woodland present within 2km of the Site. The closest is a 14.9ha area of ASNW which lies approximately 0.99km north-west of the Site.

NERC s41 Habitats of Principal Importance (HPI)

- 5.1.4 There are no habitats listed under s41 of the NERC Act 2006 that lie within or directly adjacent to the Site. The closest NERC HPI are detailed in Table 4.

Table 4 – Habitats of Principal Importance

Habitat Type	Description	Distance from site
Deciduous Woodland	Royal Military Woods	0.06km (NE)
Intertidal Substrate Foreshore	Sand and Gravel habitat	0.18km (S)

Protected and Notable Species

- 5.1.5 Existing records of protected and notable species of relevance to the Site returned by the desk study are presented in Table 5 below.

Table 5– Relevant records of protected and notable species within 2km of the Site and Bats within 5km of the Site.

Common Name	Scientific Name	Closest Record (grid ref)	Date
Bats (Designations: ECH_IV; Bonn_II; Bern_II; WCA5)			
Brown long-eared bat	<i>Plecotus auritus</i>	0.5km NNW TR1925535612	02/07/2021
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	0.5km NNW TR1932035498	02/07/2021
Soprano pipistrelle	<i>P. pygmaeus</i>	0.6km NE TR198357	26/07/2017
Nathusius' pipistrelle	<i>P. nathusii</i>	1.2km SWW TR1833934792	23/03/2016
Daubenton's bat	<i>Myotis daubentonii</i>	1.2km SWW TR1833934792	20/09/2016

Whiskered bat	<i>M. mystacinus</i>	1.1km W TR184350	21/04/2021
Natterer's bat	<i>M. nattereri</i>	3.2km NE TR22273663	18/04/2019
Noctule bat	<i>Nyctalus noctula</i>	1.3km SWW TR1833934792	23/08/2017
Serotine bat	<i>Eptesicus serotinus</i>	1.2km SWW TR1833934792	20/09/2016
Birds (Designation: WCA1; RedList_GB)			
Black Redstart	<i>Phoenicurus ochruros</i>	0.5km SE TR2035	22/02/2014
Brambling	<i>Fringilla montifringilla</i>	2.1km SWW TR175345	18/10/2015
Bullfinch	<i>Pyrrhula pyrrhula</i>	0.3km N TR1935	28/01/2014
Fieldfare	<i>Turdus pilaris</i>	1.0km W TR185349	05/06/2016
Firecrest	<i>Regulus ignicapillus</i>	0.4km NW TR1935	15/03/2017
Hawfinch	<i>Coccothraustes coccothraustes</i>	1.0km N TR191361	18/10/2018
Hobby	<i>Falco subbuteo</i>	1.0km W TR185349	10/09/2019
Merlin	<i>Falco columbarius</i>	1.0km W TR185349	29/12/2018
Montagu's Harrier	<i>Circus pygargus</i>	1.0km W TR1834	02/05/2013
Wood Warbler	<i>Phylloscopus sibilatrix</i>	1.0km W TR185349	18/09/2017
Yellow Wagtail	<i>Motacilla flava</i>	1.0km W TR185349	09/10/2018
Mammals (Designations: Bern_III; Badger Act)			
Eurasian Badger	<i>Meles meles</i>	0.9km N TR193360	10/06/2021
West European Hedgehog	<i>Erinaceus europaeus</i>	1.4km N TR19573656	05/04/2017
Amphibians (Designations: ECH_V; WCA5; Bern_III)			
Common Toad	<i>Bufo bufo</i>	1.3km W TR18243480	06/07/2020
Common Frog	<i>Rana temporaria</i>	2.0km NEE TR214358	2018
Common Newt	<i>Lissotriton vulgaris</i>	1.4km NE TR20313631	26/05/2019
Reptiles (Designations: WCA5; Bern_III)			
Grass snake	<i>Natrix helvetica</i>	0.4km NW TR19143528	19/07/2020
Slow worm	<i>Anguis fragilis</i>	1.0km NW TR1880835943	12/07/2021
Common lizard	<i>Zootoca vivipara</i>	0.3km NW TR191364	11/09/2018

Invertebrates (Designation: RedList_GB; WCA5; Bern_II)			
Fiery Clearwing	<i>Pyropteron chrysidiformis</i>	0.8-10.8km E TR23	08/07/2021
Jersey Tiger	<i>Euplagia quadripunctaria</i>	1.2km NE TR20313606	05/08/2021
Mole Cricket	<i>Gryllotalpa gryllotalpa</i>	1.5-2.5km E TR2135	Oct 2018
Sussex Emerald	<i>Thalera fimbrialis</i>	1.0-2.0km W TR1834	24/07/2019
Swallowtail	<i>Papilio machaon</i>	1.0-2.0km W TR1834	24/04/2014
White-letter Hairstreak	<i>Satyrrium w-album</i>	1.0-2.0km W TR1834	12/08/2013

EPSM Licences

- 5.1.6 Existing records of granted European Protected Species Mitigation (EPSM) licences of relevance to the Site returned by the desk study are presented in Table 6 below.

Table 6 – Relevant records of granted EPSM licences within 2km of the Site

Species	Number of granted EPSM Licences	Distance and Direction	Details
Brown long-eared bat Common pipistrelle	<i>Plecotus auritus</i> <i>Pipistrellus pipistrellus</i>	1.2km N	Destruction of resting place 2016-2021 (EPSM Licence number: 2016-19507-EPS-MIT)
Daubenton's bat Whiskered bat	<i>Myotis daubentonii</i> <i>M. mystacinus</i>	1.7km E	Destruction of resting place 2014-2019 (EPSM Licence number: 2014-3777-EPS-MIT)
Brown long-eared bat Common pipistrelle	<i>P. auritus</i> <i>P. pipistrellus</i>	700m NNE	Destruction of resting place 2018-2023 (EPSM Licence number: 2018-33523-EPS-MIT)
Brown long-eared bat Common pipistrelle	<i>P. auritus</i> <i>P. pipistrellus</i>	800m NNW	Destruction of resting place 2020-2025 (EPSM Licence number: 2020-48275-EPS-MIT)
Brown long-eared bat Common pipistrelle	<i>P. auritus</i> <i>P. pipistrellus</i>	460m NNW	Destruction of resting place 2020-2025 (EPSM Licence number: 2020-49325-EPS-MIT)

5.2 Habitats

- 5.2.1 The following habitat types were recorded within the Site:

- Dense Scrub with Scattered Trees
- Improved Grassland
- Tall Ruderal Vegetation
- Ephemeral Vegetation

- Introduced Shrub
- Standing Water
- Spoil
- Buildings
- Hardstanding

Dense Scrub with Scattered Trees

- 5.2.2 A large area of dense scrub is located on a steep bank on the north of the Site. Extending to 1600m², it comprises of a mixture of pioneer tree species including sycamore *Acer pseudoplatanus* and holm oak *Quercus ilex* with dense traveller's joy *Clematis vitalba* and bramble *Rubus fruticosus* agg. Ornamental species are present in the southern part of the scrub, such as garden privet *Ligustrum ovalifolium* and New Zealand flax *Phormium tenax*. At the south border of dense scrub beside a Leyland cypress (G1), TN3: a wood chip pile which is 3m x 3m x 3m is located just off of the roadside.

Improved Grassland

- 5.2.3 Improved grassland is present to the west of the main house. It is 80mm in height and is composed approximately 98% grass, of which the majority is Yorkshire fog *Holcus lanatus*. Common bent *Agrostis capillaris* is also present, along occasional creeping buttercup *Ranunculus repens* and white clover *Trifolium repens*.

Tall Ruderal Vegetation

- 5.2.4 An area of tall ruderal vegetation south of the tennis court has been recently managed to a height of c.300mm. The dominant species are pendulous sedge *Carex pendula* and bristly ox-tongue *Helminthoides echinoides*. Yorkshire-fog, hedge bedstraw *Galium mollugo* and black horehound *Ballota nigra* are also present.

Ephemeral Vegetation

- 5.2.5 An area of recently cut vegetation is bare at ground level, with dead stems and occasional regrowth. Species that could be identified include butterfly bush *Buddleia davidii* and teasel *Dipsacus fullonum* which appeared to be the dominant species along with bramble, great mullein *Verbascum thapsus*, horsetail *Equisetum arvense* and lesser Mexican sedum *Sedum confusum*. Within this area lies an area of spoil, depicted as TN1 in Figure 1; a brash pile 5m long and 2m wide, mainly composed of butterfly bush cuttings

Introduced Shrub

- 5.2.6 Ornamental planting is located around the borders of the grassland to the west of the house and extends down the steep slope to the east of the grassland. The species present include a variety of garden species such as fuchsia *Fuchsia sp.*, lesser Mexican sedum, bamboo *Bambusoideae sp.* as well as native species such as teasel, stinking iris *Iris foetidissima* and hart's tongue *Asplenium scolopendrium*. Within the northwest section of scrub, towards the roadside, part of the dense scrub contains TN2: a brick and cement pile 10m by 5m, laid for vehicle access.

Standing Water/Wet Ditch

- 5.2.7 In the south-east part of the Site is a metal water tank which retains water from a small water pipe. The water then exits the tank and follows the slope of the garden to the south, leading into a depression which is damp but does not hold water. These features are marked as a standing water and a wet ditch on Figure 1.

Buildings

- 5.2.8 One structure exists within the Site; the main house B1 which has had an extensive fire and has no roof. The conservatory is still intact however there are no roosting features or access points for bats.

Hardstanding

- 5.2.9 Leading into the Site from Sunnyside Road, an area of hardstanding forms access, parking, pathways and areas of concrete that surround the buildings. No botanical species were attributed to this habitat type. A tennis court is located to the west of the Site and covers approximately 550m².

5.3 Protected Species*Badger*

- 5.3.1 A badger hole was noted to the south-west of the house, depicted as H1 on Figure 1. There was fresh excavation of soil and faint badger prints in the loose soil at the time of the survey. Badger foraging signs were noted in the ruderal area in the south-west corner of the Site, south of the tennis court, depicted as TN4 on Figure 1.
- 5.3.2 In response to the findings of the PEA, to determine whether the mammal hole is in current use by badger, monitoring of the mammal hole was undertaken over a period of 29 days between 16th October 2023 and 14th November 2023. No evidence of badger using the mammal hole was recorded during the monitoring survey. As the sticks remained undisturbed

in the hole, this provides further evidence that the hole is inactive. The location of the camera and placement of the sticks can be seen in Figure 3 and Appendix B respectively.

Bats

Roosting Habitat – Buildings

- 5.3.3 There is one fire-damaged building within the Site, B1. This has no roof and is open to the elements; there are no cavity features or suitable roosting features. The conservatory is intact but has no access or features suitable for bats. B1 has 'Negligible' suitability to support roosting bats (Collins, 2023).

Roosting Habitat – Trees

- 5.3.4 Trees with suitability to support roosting bats are described below and depicted in Figure 1.

Table 7 – Tree Survey Results

Tree No.	Species	Height (m)	DBH (mm)	Potential Roost Features (PRFs)	Suitability
T5	Ash <i>Fraxinus excelsior</i>	6	550	Several basal rot holes resulting in multiple small cavities	Low
T24	Sycamore <i>Acer pseudoplatanus</i>	7	280	Hole on northern face at 4m may extend.	Low
T28	Cherry <i>Prunus sp.</i>	7	400	Hole at 2m on northern aspect which extends. 3m cavity to north may extend. Rot hole present on northern aspect at 0.5m may extend	Low
T29	Cherry <i>Prunus sp.</i>	7	400	Similar condition to T28 with wounds and split bark.	Low
T36	Elder <i>Sambucus nigra</i>	4	100	Hole at 2m to west is polished suggesting use by something. Feature extends 10cm and is suitable.	Moderate

Roosting Habitat - Buildings

- 5.3.5 One building B1 is present and this is due to be affected by the proposed development. There are no outbuildings. Table 8 below provides a description of the building and the location is depicted on Figure 1.

Table 8 – Building Bat Roost Assessment

Building Ref	Description	PRFs (and any evidence found)	Potential Access points	Bat Roost Suitability
B1	Residential, brick-built house, no roof is present. The conservatory is intact.	None	None	Negligible

Bats Foraging and Commuting Habitat

- 5.3.6 The Site and the immediate surrounds offer suitable foraging and commuting habitat for bats in the form of the scattered trees and scrub areas. Connectivity for bats to access the wider landscape is also good.

Birds

- 5.3.7 The Site provides suitable nesting and foraging habitat for birds. Approximately 10 bird boxes had been installed on trees and the building within the Site.

Dormouse

- 5.3.8 The habitats within the Site are suboptimal for use by dormice. Suitable habitat is limited to the area of scrub which is dominated by sycamore and holm oak and lacks connectivity to the wider landscape.

*Great Crested Newt*Terrestrial Habitat

- 5.3.9 The Site is suitable for GCN and there are areas of refuge and cover, including scrub and introduced shrub as well as spoil piles TN1 – TN3.

Aquatic Habitat

- 5.3.10 A review of available online OS mapping identified no ponds within 250m of the Site. Waterbody WB1 is a small metal tank recorded within the Site. This is considered unsuitable for breeding amphibians including GCN due to the steep sides, lack of vegetation and the thermal properties of a metal tank.

Reptiles

- 5.3.11 The trees and structures that dominate the Site result in high levels of shading and the dense scrub provides little opportunity for reptiles to bask. The vegetated bank to the north of the tennis court does provide suitable habitats in which reptiles could reside.

Invertebrates

- 5.3.12 The habitats present within the Site are common and widespread and although a range is likely to be present, the invertebrate assemblage is considered unlikely to be of high conservation interest.

Other Species

- 5.3.13 There are records of hedgehog present within 1.5km of the Site and habitats within the Site have suitability to support this species.

- 5.3.14 Brash and rubble piles should be dismantled during March-October to avoid disturbing hibernating hedgehog.
- 5.3.15 Beyond those noted above, the survey identified no other evidence of protected species within the Site.

6 CONCLUSIONS AND RECOMMENDATIONS

6.1 Designated Areas

- 6.1.1 The Site is within the impact risk zone of the Seabrook Stream SSSI and Folkestone to Etchinghill Escarpment SSSI. However further consultation with Natural England is not required due to the distance of the SSSI and the scale of the proposed residential development. There is no predicted impact to these or any other designated sites.

6.2 Ancient Woodland

- 6.2.1 The nearest ancient woodland site is located approximately 0.99km north-west of the Site and development of the Site will have no detrimental impact on this or any other areas of ancient woodland.

6.3 Habitats and Botanical Species of Interest

- 6.3.1 The nearest Habitat of Principal Importance is deciduous woodland, 0.06km from the Site. However, the small and localised scale of the proposed development in addition to a lack of ecological connectivity will result in no deleterious impact to this or any other habitat of conservation interest.
- 6.3.2 To ensure the welfare of retained trees is maintained throughout the development, trees to be retained within and beyond the Site boundary should be protected in accordance with the British Standard 5837:2012 'Trees in relation to design, demolition and construction'.
- 6.3.3 Montbretia and cotoneaster are present on Site. Montbretia and five species of cotoneaster are listed under Schedule 9 of the Wildlife and Countryside Act 1981 which makes it an offence to plant or otherwise allow these species to grow in the wild. Although the exact species of cotoneaster was not determined, it is recommended as a precaution that it is treated as an invasive species. Appropriate disposal of both these species is therefore recommended.

6.4 Protected and Notable Species

Badger

- 6.4.1 A single active mammal hole with a fresh earth pile was noted in the Site, and subsequently, further surveys were undertaken to determine the presence of badger.
- 6.4.2 No badgers were found to be using the mammal hole during the monitoring survey and it is therefore considered that badgers are likely absent from the Site. The sticks placed at the

entrance to the mammal hole had also not been disturbed, and thus the mammal hole is considered inactive.

- 6.4.3 No further surveys in relation to badger are required at this time.
- 6.4.4 Badger are, however, a highly mobile species and to prevent badgers from moving into the site, it is recommended that measures to prevent future use of the mammal hole by badgers are implemented. As no animals are currently using the hole, in this instance it is recommended that the entrance be blocked either with rubble, or through the use of badger netting/mesh. To ensure suitability, the entrance should be blocked under the supervision of a suitably experienced ecologist following a field sign survey to determine if there is any recent evidence of use. Should evidence of use be determined, further consideration to the species using the hole should be given, and an appropriate badger sett closure licence obtained from Natural England, if required.
- 6.4.5 To ensure the status of badgers remains unchanged, it is recommended that the Site/mesh be checked at six month intervals until works commence. Following completion of the development, the mesh should be removed.
- 6.4.6 To ensure the welfare of badgers using the Site is maintained, the following sensitive working methodology should be employed throughout the development phase:

Sensitive Working Methodology

- To account for the potential for badgers to enter the proposed development Site for the purpose of foraging and commuting, all contractors working on the development must be briefed regarding the possible presence of badgers.
- To prevent badgers becoming trapped in excavations, any trenches or deep pits should be covered over overnight, or any that are to be left open overnight should be provided with a means of escape should a badger enter. This could be achieved through the construction of a graded bank or the installation of a rough sawn timber board such as a scaffold board or similar, which will allow the badgers to exit of their own accord.
- Any trenches or pits left overnight will be inspected each morning to ensure no badgers have become trapped. In the event that a trapped badger is encountered and the insertion of a means of escape proves futile, then the appointed ecologist should be contacted immediately to discuss an appropriate manner in which to proceed.

- Should the development require the installation of culverts and/or large diameter piping, measures to ensure the ends are closed to badgers will be implemented overnight.
- The storage of topsoil or other soft building material must be given careful consideration as badgers will readily adopt such mounds for a sett and should this occur, the mound will be afforded the same level of protection as an established sett.
- If mounds of topsoil or soft building materials are required within the Site, they should be subject to daily inspection for the presence of badgers or ring fenced with a badger proof fencing material.

6.4.7 Should at any time badgers or evidence of use by badgers be identified on the Site, then all works must **stop**, and the appointed ecologist should be consulted on the appropriate manner in which to proceed.

Bats – Building Roosting Habitat

6.4.8 No evidence of use by bats was recorded and there were no areas of suitability for roosting bats within B1. The building is deemed ‘Negligible’ in its suitability to support roosting bats.

Bats – Tree Roosting Habitat

6.4.9 Trees with suitability for roosting bats (or trees with which the survey was constrained) are highlighted in section 5.3.3. Their level of suitability and recommendations in regard to further actions, if being removed, are present in Table 9.

Table 9. Level of Suitability and Further Actions - Trees

Tree No.	Species	Level of Suitability	Further Action Required
T5	Ash (<i>Fraxinus excelsior</i>)	Low	Soft-fell under ecological supervision
T24	Sycamore (<i>Acer pseudoplatanus</i>)	Low	Soft-fell under ecological supervision
T28	Cherry (<i>Prunus</i> sp.)	Low	Soft-fell under ecological supervision
T29	Cherry (<i>Prunus</i> sp.)	Low	Soft-fell under ecological supervision
T36	Elder	Moderate	Reinspect with an endoscope

Bats – Commuting and Foraging Habitat

- 6.4.10 Commuting and foraging habitat for bats exists in the form of trees and shrubs. The majority of the vegetation including trees on the western and eastern boundaries are being retained. This ensures that flightlines and habitat connectivity are retained. Therefore, activity surveys for bats are considered disproportionate in this instance. Should the proposals change to affect different trees, further survey to determine the Sites use by bats may be required.
- 6.4.11 Lighting can be detrimental to how bats use a site and consideration to a sensitive lighting strategy should be implemented within the design. Such consideration should implement the recommendations set out with the [Bat Conservation Trust and the Institute of Lighting Professionals \(2023\)](#).

Birds

- 6.4.12 Suitable nesting habitat exists in the form of the trees, scrub and bird boxes within the Site. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and it is recommended that works to these areas (where necessary) are conducted outside the core breeding period for birds of late February – August inclusive.
- 6.4.13 Should this timeframe be unobtainable, a nesting bird survey for the presence of breeding birds should be conducted by a suitably experienced ecologist prior to the start of works. Should evidence of breeding birds be recorded, works within 5m of the nest, or works that have potential to destroy the nest, should stop until the eggs have hatched and the chicks fledged, or the nest is deemed by a suitably experienced ecologist to no longer be in use.
- 6.4.14 To offset the loss of suitable breeding habitat, replacement nesting opportunities should be included within the design, either incorporated into the buildings or in suitable locations within retained trees. A range of bird box types should be used, such as those available from www.habibat.co.uk or open-fronted and hole-fronted nest boxes. Additional planting of native trees and scrub within the scheme design are also recommended to increase the biodiversity of the Site.

Dormouse

- 6.4.15 Habitats within the Site are poor due to the lack of native species and the connectivity to areas of suitable habitat in the wider landscape is limited. No further surveys for dormice are required.

Great Crested Newt

- 6.4.16 The desk study identified no records of GCN within 2km. The habitats within the Site are considered broadly suitable for the species during its terrestrial phase and there is one waterbody within the Site however it is not suitable for GCN. There are no other ponds within 250m of the Site.
- 6.4.17 Further surveys are not considered necessary due to an absence of suitable aquatic habitat and no further mitigation is required in respect of GCN.
- 6.4.18 In the interests of amphibians in general, the following precautionary working methods are to be deployed prior and during construction:
- Maintain management of the grassland and scrub through cutting up until construction starts.
 - Dismantle any spoil piles in the construction zone by hand and during the active period for amphibians which is March – October.
 - Store all materials on hardstanding and on pallets to avoid creating a refuge for amphibians such as common toad *Bufo bufo*.
 - Backfill trenches and other excavations before nightfall, or leave a ramp to allow animals such as newts to easily exit.
- 6.4.19 In order to make the area unsuitable for herpetofauna and discourage any herpetofauna from entering the construction area, therefore minimising the risk of killing/injuring during the construction period, habitats within the construction zone will be cleared in a phased manner prior to any construction. This vegetation clearance will be carried out under the supervision of a suitably experienced ecologist (SEE) and as described below:
- To enable animals to move out of harm's way of their own volition, all vegetation works will be conducted during the period March – October (inclusive) in any given year.
 - An initial cut of all vegetation within the construction zone will be carried out cutting vegetation to approximately 150mm.
 - Following a period of <5 days, a second cut of all vegetation within the construction zone will be carried out cutting vegetation to approximately 50mm.
 - Following a period of <5 days the SEE will carry out a fingertip-search of the of the area to be cleared for any herpetofauna that may remain.

- Should reptile or amphibian species be found they will be relocated to a suitable area of retained habitat out of harm's way. Immediately following this finger-tip search, a final cut of the vegetation will be carried out, clearing it to ground level.
- All the above vegetation clearance will be carried out using hand tools only (brush cutters and trimmers are acceptable) and will be conducted moving south to north in order to encourage animals to relocate to retained and surrounding habitats naturally.
- Any refugia, including log piles or piles of debris (TN1 – TN3) in any of the habitats to be cleared should be broken down by hand under the supervision of the SEE.
- Should reptile or amphibians be encountered at any point during any of the works, works should stop whilst they are relocated out of harm's way.
- In order to ensure that the construction area remains unsuitable for herpetofauna, regular habitat maintenance should be carried out to ensure that vegetation is not able to recolonise any of the construction area.
- Once the above habitat clearance has been carried out and the construction area has been declared by the SEE as unsuitable for herpetofauna, construction activities may commence.

Reptiles

6.4.20 Habitats within the Site are predominantly heavily shaded and considered unsuitable for reptiles. In response, further surveys to determine the presence / likely absence of reptiles is considered disproportionate in this instance.

6.4.21 However, as a precautionary measure, it is recommended that vegetation within the Site be cleared in the phased manner as described in Section 6.4.13.

Other Species

6.4.22 The habitats recorded within the Site provide optimal foraging and resting places for European hedgehog, a "Notable" species and SPI listed under s41 of the NERC Act 2006.

6.4.23 Brash and rubble piles should be dismantled during March-October to avoid disturbing hibernating hedgehog. The method for vegetation clearance described above in Section 6.4.14 will be followed.

6.4.24 Beyond those noted above, there are no obvious and immediate issues regarding other protected species and no further surveys to determine the presence of other protected species is required.

- 6.4.25 Should at any point during the development a protected or notable species be identified within the Site, then all works should stop and the appointed ecologist consulted on the appropriate manner in which to proceed.

7 ECOLOGICAL ENHANCEMENTS

7.1 Opportunities to include biodiversity enhancements within the Site exist and in accordance with the requirements of the NPPF the following recommendations are considered appropriate for the Site:

- The installation of bird boxes onto retained trees would increase the Site's suitability for nesting birds. [Woodcrete](#) are considered appropriate. To maximise suitability, boxes should be installed at a height of 2-3m, preferably on north, north-east or north-west facing elevations. Six tree-mounted bird boxes are recommended.
- The Site is suitable for swift bricks and this aligns with the Kent Biodiversity Action Plan target to 'stop the decline of swifts by ensuring that every new house built in Kent contains one [swift-box or nestbrick](#)'. A total of eight swift bricks are recommended, two in each property.
- The installation of bat boxes installed in suitable locations would increase the Site's suitability for roosting bats. These boxes should be installed at a height of 3m or more or at eaves height on sunny, sheltered aspects, away from direct illumination by artificial lighting and in a location, which ensures connectivity to foraging habitats within the wider landscape. Four boxes such as those provided by www.habibat.co.uk are recommended for within built structures.
- To ensure that the free movement of species such as badgers and other mammals is retained post-construction, animal-friendly post and rail fences should be utilised within the proposed development.
- The incorporation of a native, nectar rich, wildlife-friendly planting scheme within the grounds would serve to benefit invertebrates. Sedum grass roofs have been proposed for the new dwellings and this will maintain and enhance the Site for invertebrates.
- Tree planting within the landscape design should be undertaken using native species including yew *Taxus baccata*, hornbeam *Carpinus betula*, cherry *Prunus avium*, hawthorn *Crataegus monogyna*, field maple *Acer campestre* and beech *Fagus sylvatica*.
- The incorporation of log and brash piles at suitable locations within the Site would provide an enhancement for hedgehog and other species. A minimum of eight log piles should be created on the northern and western boundary.

8 REFERENCES

Bat Conservation Trust and the Institute of Lighting Professionals (BCT&ILP) 2023. Guidance Note 8; Bat and Artificial Lighting in the UK. <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

CIEEM (2017). Guidelines for Preliminary Ecological Appraisal. 2nd Edition. Chartered Institute of Ecology and Environmental Management. Winchester.

Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). Bat Conservation Trust, London.

JNCC (2010). Handbook for Phase I Habitat Survey; A Technique for Environmental Audit. Peterborough.

National Planning Policy Framework (NPPF) 2023. <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

Natural Environment and Rural Communities (NERC) Act 2006. <http://www.legislation.gov.uk/ukpga/2006/16/contents>

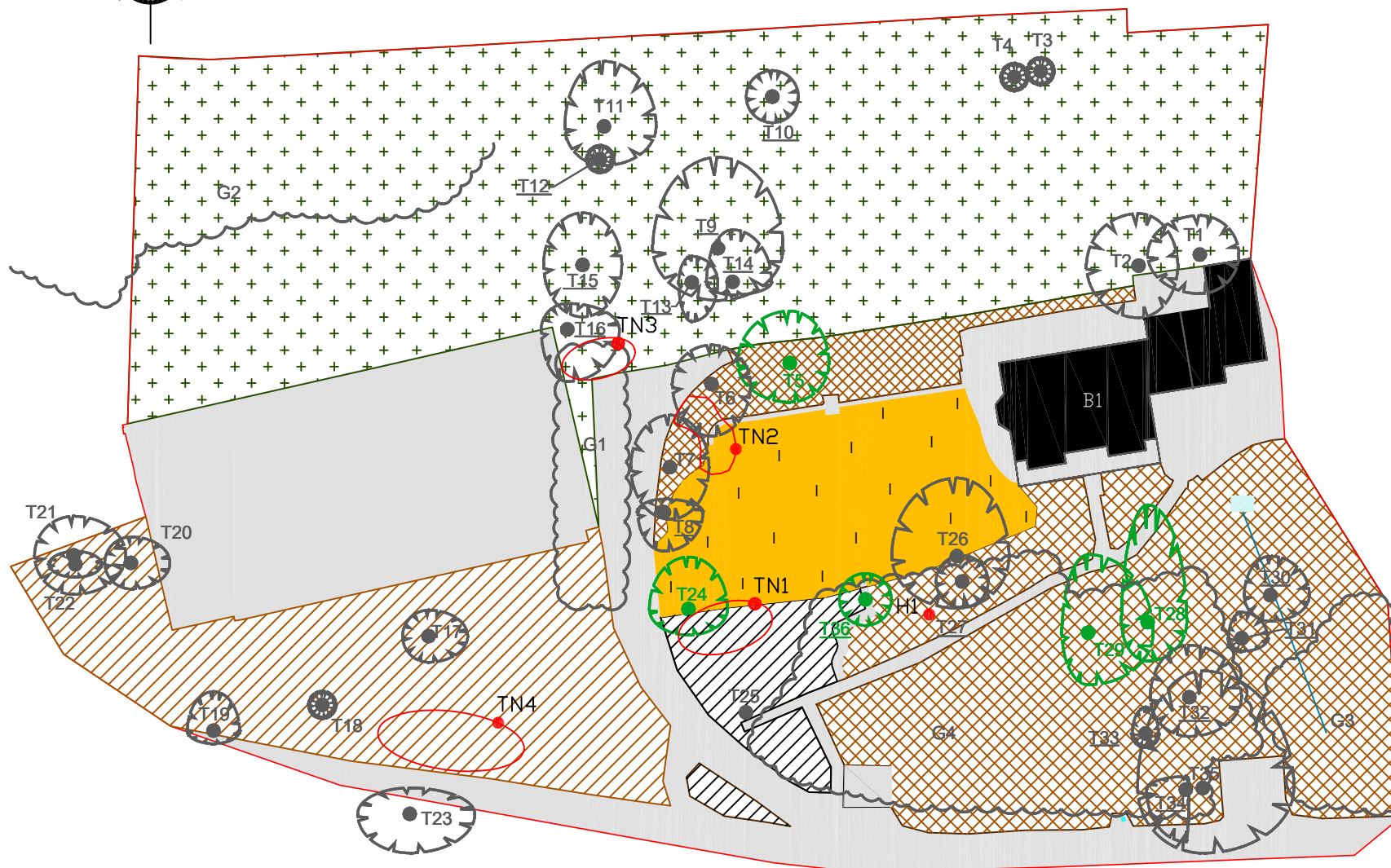
Protection of Badgers Act (1992). <http://www.legislation.gov.uk/ukpga/1992/51>

Stace (2019). New Flora of the British Isles (Fourth Edition). Cambridge University Press

The Conservation of Habitats and Species Regulations (Habitats Regulations) 2017. <http://www.legislation.gov.uk/uksi/2017/1012/made>

Wildlife and Countryside Act (as amended) 1981. <http://jncc.defra.gov.uk/page-1377>

Figures



Legend

- Site Boundary
- Building
- Hardstanding
- Improved grassland
- Dense Scrub with Scattered Trees
- Tall Ruderal Vegetation
- Ephemeral Vegetation
- Introduced Shrub
- Standing water
- Wet Ditch
- Tree with Bat Roost Suitability
- Tree
- Target Note
- Mammal Hole

Job Reference : J20673_P6

Project Title: Sunnyside

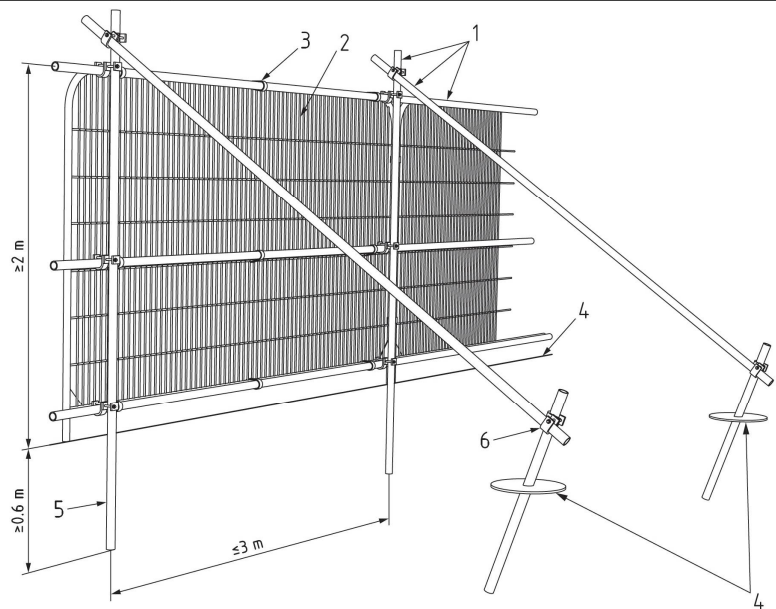
Drawing Title
Figure 1: Phase 1 Habitat Map

Date : 26.10.23 Checked : LR

Drawn : JP Approved : LR

Status : Final Scale : NTS

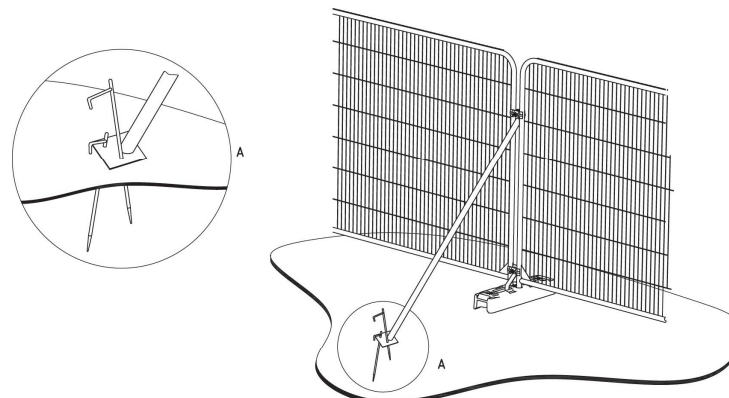
Copyright : Greenspace Ecological Solutions
No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site. All measurements are for indicative purposes only.



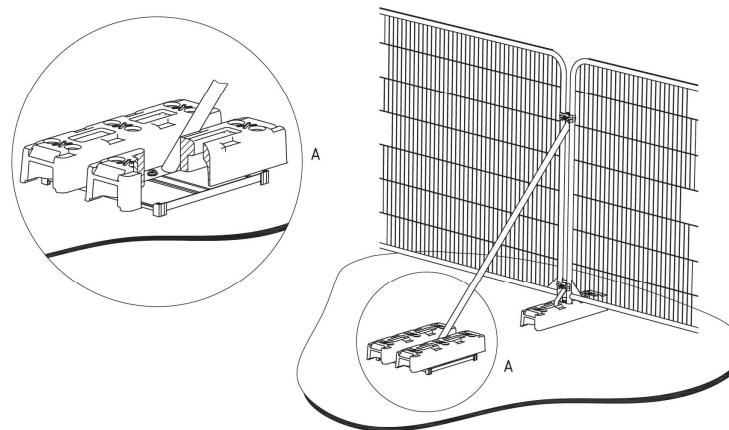
Key

- 1 Standard scaffold poles
- 2 Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
- 3 Panels secured to uprights and cross-members with wire ties
- 4 Ground level
- 5 Uprights driven into the ground until secure (minimum depth 0.6 m)
- 6 Standard scaffold clamps

Examples of above-ground stabilizing systems



a) Stabilizer strut with base plate secured with ground pins



b) Stabilizer strut mounted on block tray

Job Reference : J20613_P6

Project Title: Sunnyside Road

Drawing Title:
Figure 2: Tree Protection Measures

Date : 26.10.23 Checked : JP

Drawn : GN Approved : N/A

Status : Final Scale : NTS

GES Greenspace
Ecological
Solutions

Reproduced from BS5837:2012 with permission from BS
No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site. All measurements are for indicative purposes only.



Legend

- Site Boundary
- Mammal Hole Blocked by Sticks
- Camera Trap



Job Reference : J20673_P7

Project Title: Sunnyside

Drawing Title
Figure 3: Mammal Hole Badger Survey

Date : 14.11.23 Checked : LR

Drawn : AW Approved : LR

Status : Final Scale : NTS

Copyright - Greenspace Ecological Solutions
No dimensions are to be scaled from this drawing.
All dimensions are to be checked on site. All measurements are for indicative purposes only.

Appendices

APPENDIX A – Legislation and Planning Policies

Legislation

- The Conservation of Habitats and Species Regulations 2017 (as amended) transposes European Union Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into National law. These regulations provide for the designation and protection of 'European Sites', the protection of 'European Protected Species' and the adaptation of planning controls for the protection of such sites and species. Under the regulations, public bodies have a duty in exercising their functions to have regard to the EC Habitats Directive.
- The Environment Act 2021 operates as the new framework of environmental protection following the United Kingdom's departure from the EU. The Environment Act allows the UK to enshrine some environmental protection into law, and offers new powers to set new binding targets, including for air quality, water, biodiversity, and waste reduction. The Act mandates the creation of Local Nature Recovery Strategies, Protected Site Strategies, Species Conservation Strategies, and the use of conservation covenants to support the design and delivery of strategic approaches to deliver better outcomes for nature. Additional mandates covered by The Act (Part 7) will come into force in November 2023 and include:
 - A requirement for Biodiversity Net Gain for developments, to ensure all development deliver a minimum of 10% net gains in biodiversity (Section 98).
 - Strengthening of the duty placed on all public bodies to “conserve” and “enhance” biodiversity (Section 102).
 - Duty placed upon Local Authorities to consult prior to felling street trees (Section 115).
- The Wildlife and Countryside Act 1981 (as amended) provides detail on a range of protection and offences relating to wild birds, other animals, and plants. The level of protection depends on which Schedule of the Act the species is listed on. Licences are available for specific purposes to permit actions that would otherwise constitute an offence in relation to species.

- The Countryside Rights of Way Act 2000 provides additional support to the Wildlife and Countryside Act 1981; for example, increasing the level of protection for certain species of reptiles.
- The Natural Environment and Rural Communities (NERC) Act 2006 imposes an obligation on all public bodies, including local authorities, to consider whether their activities can contribute to the protection of wildlife. The duty is created by section 40(1) of the Act, which states that: “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”
- The Hedgerows Regulations 1997 are enforced under the Environment Act 1995, and serves to: restrict the removal of hedgerows, or parts of hedgerows which are over 20m in length. In this case, removal includes digging up and replanting elsewhere, as well as removing from the land completely or destroying in the course of other actions. This includes developments or activities which destroy the roots, causing the vegetation to die.
- The Protection of Badgers Act 1992 exists to protect badgers *Meles meles* from cruelty. Under the act it is a criminal offense to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so, or to intentionally or recklessly interfere with a sett.
- The Wild Mammal (Protection) Act 1996 protects wild mammal species from certain cruel acts, including kicking, beating, nailing, or otherwise impaling, stabbing, burning, stoning, crushing, drowning, dragging or asphyxiation of any wild mammal with intent to inflict unnecessary suffering. Crushing and asphyxiation are most likely to occur as a result of development proposals, should these works collapse any mammal burrows, or encounter wild mammals on site.

National Planning Policy

- The National Planning Policy Framework (2023) states (Section 15) that the planning system should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks; promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. It also states that local planning authorities should refuse planning on the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for;
- If development is on land within or outside a Site of Special Scientific Interest (SSSI), and is likely to have an adverse effect on it (the exception being where the benefits of the development in the location proposed clearly outweigh its likely impact);
- If development results in the loss or deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees (unless there are wholly exceptional reasons, and a suitable compensation strategy exists).
- Additionally, the NPPF states that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- Species and Habitats of Principal Importance for Conservation in England and Wales and priority habitats and species listed in the Wealden local plan are species which are targeted for conservation. The government has a duty to ensure that involved parties take reasonable practice steps to further the conservation of such species under Section 41 of the Natural Environment and Rural Communities Act 2006. In addition, the Act places a biodiversity duty on public authorities who 'must, in exercising their functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' (Section 40 [1]). Criteria for selection of national priority habitats and species in the UK include international threat and marked national decline.
- Folkestone and Hythe Places and Policies Local Plan (2020)

Policy NE2 covers development and the natural environment. It states: all new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity value (whether or not they have statutory protection) and all legally protected or priority habitats and species. The Council will support development that: i. Enhances, retains and protects existing sites and features of nature conservation value including wildlife corridors, ancient woodland and geological exposure that contribute to the priorities established through the Biodiversity Action Plan and the Green Infrastructure Plan; ii. Does not reduce, and where feasible, improves species'

ability to move through the environment in response to predicted climate change, and to prevent isolation of significant populations of species; and iii. Incorporates features that enhance biodiversity as part of good design and sustainable development, including the creation of new pollinator habitat suitable to the scale of development. The District has a number of undesignated sites, which may nevertheless host rare species or valuable habitats. Where a site is indicated to have such an interest, the applicant should observe the precautionary principle and the Council will seek to ensure that the intrinsic value of the Site for biodiversity and any community interest is enhanced or, at least, maintained. Where an impact cannot be avoided or mitigated (including post-development management and monitoring), compensatory measures will be sought. The Council may, in exceptional circumstances, allow for biodiversity offsets, to prevent loss of biodiversity at the district level. Such compensation will be directed to Biodiversity Opportunity Areas (BOAs) within the district or projects identified in the Council's Green Infrastructure Plan.

APPENDIX B – PHOTOGRAPHS



Plate 1. Conservatory



Plate 2. Residential House B1

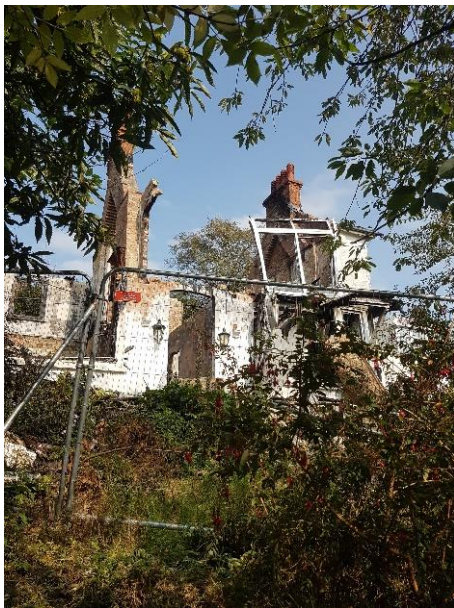


Plate 3. Remains of B1



Plate 4. Improved Grassland



Plate 5. TN1 spoil



Plate 6. Ephemeral



Plate 7. Rubble pile TN2



Plate 8. Mammal hole H1



Plate 9. Bank of dense scrub



Plate 10. Recently managed ruderal



Plate 11. Wet ditch, facing south



Plate 12. Water tank



Plate 13. Knot hole within elder T36



Plate 14. Cherry tree T39 with wounds



Plate 15. Badger camera position (circled)



Plate 16. Mammal hole with undisturbed sticks blocking the entrance

APPENDIX C: SPECIES LIST

Common Name	Scientific Name	DAFOR
<u>Dense Scrub</u>		
<u>Area 1</u>		
Traveller's joy	<i>Clematis vitalba</i>	A
Garden privet	<i>Ligustrum ovalifolium</i>	A
Sycamore	<i>Acer pseudoplatanus</i>	F
Holm oak	<i>Quercus ilex</i>	F
False acacia	<i>Robinia pseudoacacia</i>	O
Cherry laurel	<i>Prunus laurocerasus</i>	O
Elder	<i>Sambucus nigra</i>	O
Butterfly bush	<i>Buddleia davidii</i>	O
Honesty	<i>Lunaria annua</i>	O
New Zealand flax	<i>Phormium tenax</i>	R
<u>Improved Grassland</u>		
<u>Area 2</u>		
Yorkshire-fog	<i>Holcus lanatus</i>	D
Common bent	<i>Agrostis capillaris</i>	O
Ox-eye daisy	<i>Leucanthemum vulgare</i>	R
Creeping buttercup	<i>Ranunculus repens</i>	R
White clover	<i>Trifolium repens</i>	R
<u>Tall Ruderal</u>		
<u>Area 3</u>		
Pendulous sedge	<i>Carex pendula</i>	D
Bristly ox-tongue	<i>Helminthotheca echioides</i>	D
Yorkshire-fog	<i>Holcus lanatus</i>	A
Black horehound	<i>Ballota nigra</i>	F
Hedge bedstraw	<i>Galium mollugo</i>	O
Horsetail	<i>Equisetum arvense</i>	O
Dandelion	<i>Taraxacum officinalis agg.</i>	R
Scarlet pimpernel	<i>Anagallis arvensis</i>	R

Field forget-me-not	<i>Myosotis arvensis</i>	R
---------------------	--------------------------	---

Introduced Shrub
Area 4

Lesser Mexican stonecrop	<i>Sedum confusum</i>	LD
Teasel	<i>Dipsacum fullonum</i>	LD
Horsetail	<i>Equisetum arvense</i>	F
Hart's tongue	<i>Asplenium scolopendrium</i>	F
Chinese fan palm	<i>Livistona chinensis</i>	O
Rose sp.	<i>Rosa sp.</i>	O
Papyrus	<i>Cyperus papyrus</i>	O
Sycamore	<i>Acer pseudoplatanus</i>	O
Bay laurel	<i>Laurus nobilis</i>	O
Fuschia sp	<i>Fushcia sp.</i>	O
Cotoneaster spp.	<i>Cotoneaster spp.</i>	O
Stinking iris	<i>Iris foetidissima</i>	O
Bamboo	<i>Bambusoideae sp</i>	O
Tutsan	<i>Hypericum androsaemum</i>	O
Pendulous sedge	<i>Carex pendula</i>	O
Montbretia	<i>Crocasmia × crocosmiiflora</i>	O
Holly	<i>Ilex aquifolium</i>	R
Goat willow	<i>Salix caprea</i>	R

Ephemeral
Area 5

Bramble	<i>Rubus fruticosus agg.</i>	A
Teasel	<i>Dipsacum fullonum</i>	A
Lesser Mexican stonecrop	<i>Sedum confusum</i>	F
Horsetail	<i>Equisetum arvense</i>	F
Common mullein	<i>Verbascum thapsus</i>	O
Greater periwinkle	<i>Vinca major</i>	O
Hedge bindweed	<i>Calystegia sepium</i>	O
Field forget-me-not	<i>Myosotis arvensis</i>	O
Honesty	<i>Lunaria annua</i>	O